

Exhibit A

Texas v. Biden Monthly Report
Reporting Period: October 1, 2021 – October 31, 2021

(1) The total monthly number of encounters¹ at the southwest border (SWB);

Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions² between the ports of entry along the SWB, Office of Field Operations (OFO) Title 8 Inadmissibles³ at land ports of entry along the SWB, and Title 42 Expulsions⁴ at and between the ports of entry along the SWB.

October 2021 as of November 4, 2021	Title 42	Title 8	Total Encounters
Office of Field Operations	1,837	3,891	5,728
El Paso Field Office	171	232	403
Laredo Field Office	649	578	1,227
San Diego Field Office	845	2,879	3,724
Tucson Field Office	172	202	374
U.S. Border Patrol	91,839	66,736	158,575
Big Bend Sector	3,232	372	3,604
Del Rio Sector	14,343	13,768	28,111
El Centro Sector	4,083	959	5,042
El Paso Sector	11,179	2,813	13,992
Laredo Sector	6,846	597	7,443
Rio Grande Valley Sector	24,157	21,167	45,324
San Diego Sector	10,922	3,396	14,318
Tucson Sector	15,122	3,996	19,118
Yuma Sector	1,955	19,668	21,623
Grand Total	93,676	70,627	164,303

¹ The sum of Title 8 apprehensions/inadmissible aliens and expulsions.

² Apprehension refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

³ Inadmissible refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

⁴ Expulsions refers to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265.

(2) The total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute;

- *Title 42 expulsions at and between the ports of entry along the SWB*⁵

October 2021 as of November 4, 2021	Title 42
Office of Field Operations	1,837
El Paso Field Office	171
Laredo Field Office	649
San Diego Field Office	845
Tucson Field Office	172
U.S. Border Patrol	91,839
Big Bend Sector	3,232
Del Rio Sector	14,343
El Centro Sector	4,083
El Paso Sector	11,179
Laredo Sector	6,846
Rio Grande Valley Sector	24,157
San Diego Sector	10,922
Tucson Sector	15,122
Yuma Sector	1,955
Grand Total	93,676

- *Removals/Returns under Title 8*

Southwest Land Border (Based on Encounter Date)⁶: 7,722

- BP Removals/Returns: 7,016
 - Bag and Baggage⁷: 84
 - Voluntary Return⁸: 2,303
 - Expedited Removal: 3,102
 - Reinstatement of Removal: 1,527
 - Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C): 0
- OFO Removals/Returns: 706
 - Bag and Baggage: 1
 - Voluntary Return: 132
 - Expedited Removal: 111
 - Reinstatement of Removal: 13
 - Withdrawal of Application for Admission: 449
 - Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C): 0

⁵ Same as Title 42 expulsion data provided in response to 1 above.

⁶ Indicates that the noncitizen was encountered during the reporting period (October 1, 2021 – October 31, 2021).

⁷ When a noncitizen encountered or apprehended by CBP has been previously ordered removed by an immigration judge and the order was never executed (i.e., in absentia). The removal order may be immediately executed by CBP or CBP may turn the noncitizen over to ICE for removal.

⁸ Constitutes a request by a non-citizen to be permitted to return to their country of citizenship on a voluntary basis, in lieu of being formally removed or placed into removal proceedings.

(3) Defendants' total detention capacity as well as current usage rates;*OFO Holding Capacity – Southwest Border in Custody⁹*

Detention Capacity	October 2021
935	123 (13.2%) ¹⁰

USBP Average Daily Subjects In Custody by Southwest Border Sector¹¹

USBP Sector	October 2021
Big Bend	23
Del Rio	839
El Centro	293
El Paso	550
Laredo	372
Rio Grande	2,572
San Diego	480
Tucson	456
Yuma	1,571
Total	7,156

⁹ Represents an estimate of each cell's coded occupancy limit, as outlined in technical design standards when constructed, multiplied by the total number of cells for all ports of entry within each field office. This number does not account for the unique circumstances that may limit the occupancy of a given cell (e.g., high risk, nursing/pregnant, transgender, unaccompanied minor, etc.) nor does it reflect operational limitations that affect a port's capacity to detain. CBP's capacity to detain individuals in its short-term facilities depends on many factors, including: demographics of the individual in custody; medical or other needs of individuals in custody; ability of ICE ERO (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

¹⁰ Represents the average number of travelers in custody on a daily basis averaged over the 30-day period, at all Southwest Border Field Office locations. Travelers include inadmissible individuals, lawful permanent residents, asylees, refugees, and United States Citizens who are being detained to verify wants, warrants, criminal, administrative or other judicial process.

¹¹ U.S. Border Patrol facilities, such as stations and central processing centers, provide short-term holding capacity for the processing and transfer of individuals encountered by agents. Maximum facility capacity along the southwest border is approximately 4,750, which assumes a homogenous population and full operating status at all facilities. Actual capacity fluctuates constantly based on characteristics of in-custody population, to include demographics, gender, criminality, etc. The average percentage of subjects in custody on a daily basis is 150.65%, which is averaged over the 30-day period and includes all Southwest Border Sector locations.

(4) The total monthly number of “applicants for admission”¹² under Section 1225;

October 2021 as of November 4, 2021	Title 8
Office of Field Operations	3,891
El Paso Field Office	232
Laredo Field Office	578
San Diego Field Office	2,879
Tucson Field Office	202
U.S. Border Patrol	66,736
Big Bend Sector	372
Del Rio Sector	13,768
El Centro Sector	959
El Paso Sector	2,813
Laredo Sector	597
Rio Grande Valley Sector	21,167
San Diego Sector	3,396
Tucson Sector	3,996
Yuma Sector	19,668
Grand Total	70,627

(5) The total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and

- OFO NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5): 2,998
- BP Apprehensions with Parole Disposition: 9,827
- OFO Inadmissible Aliens with Parole Disposition: 626

(6) The total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.”¹³

- BP Notice to Report¹⁴: 4
- BP NTA-Order of Release on Recognizance: 17,094
- OFO NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5): 2,998
- BP Apprehensions with Parole Disposition: 9,827
- OFO Inadmissible Aliens with Parole Disposition: 626

¹² An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track all applicants for admission in the United States that are not encountered by CBP. CBP has included the same data as the Title 8 encounter data provided in response to 1 above.

¹³ All numbers in reporting requirement 6 are “based on encounter date,” as defined above.

¹⁴ Individuals who are screened by CBP, and after criminal and immigration records checks are conducted to determine if the subject is a threat to national security or public safety, are then released and instructed to report to U.S. Immigration and Customs Enforcement (ICE) for continued processing.